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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,299

02/23/2004

Hsiao-Wei Chu

12487-US-PA

2298

31561

7590

12/08/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,299

Applicant(s)

CHU ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9, 11, and 21-22, are rejected under 35 U.S.C.103(a) as being unpatentable over Breed et al. (6526352) in view of Ashizaki et al. (6829430).

As per claim 1, Breed et al. disclose a method of constructing a personal map database, comprising: providing positioning device having a positioning functionality installed in an automobile (see columns 32-33, lines 60-8); setting the automobile into motion along a path towards a destination; recording a plurality of points along the path, wherein a time each point was recorded is recorded (see column 32, lines 5-43); taking one or more pictures along the path to the destination; merging the picture(s) into the positioning data to generate a personal map database; and generating a personal map using the personal map database (see columns 31-32, lines 45-4). Breed et al. do not disclose recorded and store the time. However, Ashizaki et al. disclose recorded points and the time are stored as a positioning data (see column 2, lines 17-34; columns 6-7, lines 24-25; columns 11-13, lines 56-35; and columns 14-15, lines 64-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the teach of Breed et al. by combining recorded and store the time for recording position data and specify when the camera takes pictures of the traveling route.

As per claims 2-3, Ashizaki et al. disclose the picture(s) are taken at one or more locations along the path corresponding to one or more recorded points, wherein the picture comprises a data including time the picture was taken (see column 2, lines 17-34; columns 6-7, lines 24-25; columns 11-13, lines 56-35; and columns 14-15, lines 64-22).

Also, as per claim 7, Ashizaki et al. disclose the recorded points are manually recorded (see columns 11-13, lines 56-35).

As per claim 4, Breed et al. disclose the picture is taken by using a digital camera (see column 33, lines 32-41).

As per claim 5, Breed et al. disclose the recorded points are automatically recorded at a predetermined interval of time (see columns 47-49, lines 54-9).

As per claim 6, Breed et al. disclose the recorded points are automatically recorded at a predetermined interval of distance (see columns 32-33, lines 60-8).

As per claim 9, Breed et al. disclose a space is generated near each recorded points for displaying a time when the corresponding recorded points (see columns 57-59, lines 54-4).

As per claim 11, Breed et al. disclose wherein the space near each recorded position include a time the recorded points were recorded and or a distance relative to the starting point or the current position of the positioning device (see columns 47-49, lines 54-9).

As per claim 21, Breed et al. disclose the positioning device comprises a standard automobile positioning device having GPS functionality (see column 32, lines 44-59).

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As per claim 22, Breed et al. disclose the positioning device comprises a mobile phone system (see columns 53-54, lines 60-45).

4. Claims 8, 14, and 19, are rejected under 35 U.S.C.103(a) as being unpatentable over Breed et al. (6526352), and Ashizaki et al. (6829430) as applied to claims 1, and 13 above, and further in view of Miwa (6912463).

As per claim 8, Breed et al., and Ashizaki et al. do not disclose uploading the positioning data and pictures into a data processing device. However, Miwa discloses uploading the positioning data into a data processing device, uploading the pictures into the data processing device, and merging the pictures into the positioning data (see columns 7-8, lines 65-67; and columns 9-10, lines 14-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Breed et al., and Ashizaki et al. by combining uploading the positioning data and pictures into a data processing device to create a track list of mark point on the travel route.

Also, as per claim 14, Miwa discloses executing a software for displaying the pictures representing one or more recreation spots (see columns 6-7, lines 26-19); and selecting one or more pictures by clicking on the pictures to generate the personal map leading to the selected to recreation spots represented by the pictures, wherein a small icon is generated on or near a coordinate on locations corresponding to the selected recreation spots (see columns 7-8, lines 65-67; and columns 9-10, lines 14-15).

Claim 19, is a device claim corresponding to method claims 1 and 8 above. Therefore, it is rejected for the same rationales set forth as above.

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5. Claims 10, 18, and 20, are rejected under 35 U.S.C.103(a) as being unpatentable over Breed et al. (6526352), Ashizaki et al. (6829430), and Miwa (6912463) as applied to claims 1, 8, and 19 above, and further in view of Robinson et al. (6778903).

As per claims 10, and 18, Breed et al., Ashizaki et al., and Miwa do not disclose PDA. However, Robinson et al. disclose the data processing device is selected from a group consisting a Personal Computer (PC), a Personal Digital Assistance (PDA), and a portable computer (see columns 2-3, lines 66-51; and column 5, lines 24-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Breed et al., Ashizaki et al., and Miwa by combining PDA for recording vehicle position and navigation.

Claim 20, is a device claim corresponding to method claim 10 above. Therefore, it is rejected for the same rationales set forth as above.

6. Claims 12-13, are rejected under 35 U.S.C.103(a) as being unpatentable over Breed et al. (6526352), and Ashizaki et al. (6829430) as applied to claim 1 above, and further in view of Richton (6199010).

As per claims 12-13, Breed et al., and Ashizaki et al. do not disclose recreation spots. However, Richton discloses the picture(s) represent one or more recreation spots, and searching a personal map leading to one or more recreation spots (see column 3, lines 1-57; and columns 4-5, lines 52-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Breed et al., and Ashizaki et al., by combining recreation spots for recording personal trips information.

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7. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Ichihara et al. (US 2002/0188390A1)

. Alumbaugh (6278938)

. Katayama et al. (6662102)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner

Dalena Tran

A handwritten signature in black ink, appearing to read 'Dalena Tran', with a long horizontal flourish extending to the right.

December 7, 2006